

# Last Minute Memorandum

**To: STATE BOARD MEMBERS**

**Date: March 12, 2003**

**From: B. Teri Burns**

**Re: ITEM # 22**

**Subject LEGISLATIVE UPDATE**

**Attachments: Updated State Board of Education - Legislation Status Report**

Accountability	
<b>AB 8 Daucher</b> A-01/23/2003	<p><b>Summary:</b> Existing law establishes various school improvement programs to increase pupil performance in elementary, middle, and high schools. This bill would require the Superintendent of Public Instruction to establish a 3-year pilot program entitled the "County Achievement Team Pilot Program" to be administered by the Riverside County Office of Education. The bill would require the Superintendent of Public Instruction to direct the Riverside Office of Education to convene an achievement team with members chosen from specified fields for the purpose of auditing participating schools in Riverside County. The bill would require each achievement team to collaborate with its participating school to develop an action plan to increase school performance. This bill contains other related provisions and other existing laws.</p> <p><b>Status:</b> 03/06/2003-From committee: Do pass, and re-refer to Com. on APPR. Re-referred. (Ayes 7. Noes 0.) (March 5).</p>
<b>AB 96 Bermudez</b> I-01/08/2003	<p><b>Summary:</b> Existing law provides for the development of the Academic Performance Index (API), a statewide ranking system to measure school performance. Existing law requires the Superintendent of Public Instruction, with the approval of the State Board of Education, to rank all public schools in decile categories by grade level of instruction provided, based on their pupils' API results. Various provisions of existing law designate a school as a "low-performing" school, based on its decile rank. This bill would, instead, designate those schools as "high-priority" schools.</p> <p><b>Status:</b> 03/10/2003-Read second time. To third reading.</p>
Assessment & Standards	
<b>AB 36 Wyland</b> A-02/24/2003	<p><b>Summary:</b> Existing law requires each school district, charter school, and county office of education to administer to each of its pupils in grades 2 to 11, inclusive, designated achievement tests. This bill would encourage the governing board of a school district to discuss STAR test scores and to analyze the results of those assessments. The bill would authorize the governing board of a school district with a school not meeting a certain specified standard to adopt an improved performance plan. This bill contains other existing laws.</p> <p><b>Status:</b> 03/10/2003-Read second time. To Consent Calendar.</p>
Budget Issues	
<b>AB 31 Runner</b> I-12/02/2002	<p><b>Summary:</b> Existing law provides 2 revenue limit equalization adjustments for each school district for the 2003-04 fiscal year. This bill would repeal one of these equalization adjustments for the 2003-04 fiscal year. The bill would appropriate \$203,000,000 from the General Fund to the Superintendent of Public Instruction for the 2003-04 fiscal year in augmentation of the amount appropriated for purposes of the remaining equalization adjustment. This bill contains other related provisions.</p> <p><b>Status:</b> 03/05/2003-In committee: Set, first hearing. Hearing canceled at the request of author.</p>
<b>AB 100 Oropeza</b> I-01/10/2003	<p><b>Summary:</b> This bill would make appropriations for support of state government for the 2003-04 fiscal year. This bill contains other related provisions.</p> <p><b>Status:</b> 01/21/2003-Referred to Com. on BUDGET.</p>
<b>ABX1 2 Bogh</b> I-01/13/2003	<p><b>Summary:</b> The California Constitution requires the Legislature to pass a Budget Bill by June 15 of each year for the fiscal year commencing on July 1. Existing law provides that no state officer or employee shall be deemed to have a break in service or to have terminated his or her employment, for any purpose, nor to have incurred any change in his or her authority, status, or jurisdiction or in his or her salary or other conditions of employment, solely because of the failure to enact a Budget Act for a fiscal year prior to the beginning of that fiscal year. Under the California Constitution, money may be drawn from the Treasury only through an appropriation made by law and upon a Controller's duly drawn warrant. This bill would continuously appropriate from the General Fund an amount to be made available for the payment of compensation to specified state public safety employees for work performed on or after July 1 of a fiscal year for which no budget has been enacted. It would provide that compensation, at the rate in effect at the expiration of the last fiscal year for which a budget was enacted, shall be paid to state civil service employees in State Bargaining Unit 2, California Attorneys, Administrative Law Judges and Hearing Officers in State Employment; Unit 5, California Association of Highway Patrolmen; Unit 6, California Correctional Peace Officers Association; Unit 7, California Union of Safety Employees; and Unit 8, California Department of Forestry Firefighters, and the supervisors of those employees. This bill contains other related provisions.</p> <p><b>Status:</b> 02/03/2003-Referred to Com. on BUDGET.</p>

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Budget Issues (continued)	
<b>ABX1 8 Oropeza</b> E-02/04/2003	<p><b>Summary:</b> Existing law requires the State Board of Education to adopt standards and criteria to be used by local educational agencies in the development of annual budgets and the management of subsequent expenditures from that budget. Existing law requires those standards and criteria to include comparisons and reviews of reserves and fund balances. This bill would, notwithstanding any provision of law, authorize a local educational agency to count any amount of state funding deferred from the current fiscal year and appropriated from a subsequent fiscal year for payment of current year costs as a receivable in the current year. The bill would, notwithstanding any provision of law and for the 2002-03 fiscal year only, authorize a local educational agency to use for purposes determined by its governing body up to 50% of its reserves for economic uncertainties and up to 50% of the balances, as of July 1, 2002, of restricted accounts in its General Fund, excluding restricted reserves committed for capital outlay, bond funds, sinking funds, and federal funds. The bill would state the intent of the Legislature that local educational agencies use this flexibility for certain purposes and make every effort to maintain a prudent expenditure plan that ensures solvency for the 2002-03 fiscal year and in subsequent fiscal years. This bill contains other related provisions and other existing laws.</p> <p><b>Status:</b> 02/04/2003-Assembly Rule 77 suspended. (Page 83.) Senate amendments concurred in. To enrollment. (Ayes 45. Noes 33. Page 83.)</p>
<b>SB 53 Chesbro</b> I-01/10/2003	<p><b>Summary:</b> This bill would make appropriations for support of state government for the 2003-04 fiscal year. This bill contains other related provisions.</p> <p><b>Status:</b> 01/13/2003-Read first time.</p>
Curriculum & Instructional Materials	
<b>AB 12 Goldberg</b> I-12/02/2002	<p><b>Summary:</b> Existing law authorizes the governing boards of school districts to adopt instructional materials for use in school districts. This bill would require each governing board, when adopting materials in specified subject matters, to adopt those materials in a manner that will provide each pupil with materials appropriate for his or her reading level. This bill contains other related provisions and other existing laws.</p> <p><b>Status:</b> 03/05/2003-In committee: Set, first hearing. Hearing canceled at the request of author.</p>
<b>HR 9 Firebaugh</b> I-01/16/2003	<p><b>Summary:</b> Resolution by the Assembly of the State of California, That the Legislature declares March 2003 Arts Education Month and encourages all educational communities to celebrate the arts with meaningful pupil activities and programs that demonstrate learning and understanding in the visual and performing arts, and urges all residents to become interested in and give full support to quality school arts programs for children and youth; and that the Chief Clerk of the Assembly transmit copies of this resolution to the author for appropriate distribution.</p> <p><b>Status:</b> 01/23/2003-Referred to Com. on RLS.</p>
<b>SB 5 Karnette</b> I-12/02/2002	<p><b>Summary:</b> Existing law encourages the establishment of programs of instruction in foreign language in grades 1 to 6, inclusive, and requires the adopted course of study for grades 7 to 12, inclusive, to include a foreign language, beginning not later than grade 7. This bill would require the State Department of Education, on or before January 1, 2006, to adopt content standards for teaching foreign languages in grades 1 to 12, inclusive, pursuant to recommendations developed by the Superintendent of Public Instruction. The bill would authorize school districts to use the content standards to develop language programs and would require the department, upon the adoption of the standards to provide publishers of instructional materials with an outline of foreign language content expectations.</p> <p><b>Status:</b> 02/24/2003-Set for hearing March 12.</p>
Employment Issues	
<b>AB 1362 Wiggins</b> I-02/21/2003	<p><b>Summary:</b> Existing law makes it unlawful for any elected state or local officer, appointee, employee, or consultant, to use or permit others to use public resources for a campaign activity, or personal or other purposes that are not authorized by law. This bill would make a technical, nonsubstantive change in these provisions.</p> <p><b>Status:</b> 02/24/2003-Read first time.</p>
<b>AB 1387 Yee</b> I-02/21/2003	<p><b>Summary:</b> Under existing state law, state agencies, other than the Legislature, local agencies, and other specified agencies, are required to comply with the Information Practices Act of 1977 regulating the agencies' maintenance and disclosure of personal information. This bill would apply the Information Practices Act of 1977 to each house of the Legislature and make other conforming changes in that act. This bill contains other related provisions and other existing laws.</p> <p><b>Status:</b> 02/24/2003-Read first time.</p>

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Governance	
<b>AB 718 Pacheco</b> I-02/19/2003	<p><b>Summary:</b> Existing law requires a special municipal election to fill a city council vacancy or certain vacancies in the office of mayor to be held on an established election date not less than 114 days from the call of the special election. This bill would permit those elections to be held on dates other than an established election date, with certain requirements, and would also permit any vacancy of an elected city office to be filled at that election. This bill contains other related provisions and other existing laws.</p> <p><b>Status:</b> 03/03/2003-Referred to Com. on E., R. &amp; C.A.</p>
<b>AB 1209 Nakano</b> I-02/21/2003	<p><b>Summary:</b> The Bagley-Keene Open Meeting Act, until January 1, 2006, authorizes a state body to hold closed sessions to consider matters posing a threat or potential threat of criminal or terrorist activity against the personnel, property, buildings, facilities, or equipment, including electronic data, owned, leased, or controlled by the state body, subject to specified conditions. This bill instead would authorize a state body to hold closed sessions to consider matters posing a threat or potential threat of criminal or terrorist activity against the public, including, but not limited to, personnel, property, buildings, facilities, or equipment, including electronic data, owned, leased, under the jurisdiction of, or controlled by the state body, subject to these conditions. It would delete the repeal date of these provisions, thus making the authorization permanent.</p> <p><b>Status:</b> 03/06/2003-Referred to Com. on G.O.</p>
<b>SB 6 Alpert</b> I-12/02/2002	<p><b>Summary:</b> Existing law provides for a county superintendent of schools in each county to, among other things, superintend the schools in his or her county, maintain responsibility for fiscal oversight of school districts, and enforce the course of study. This bill would impose a state-mandated local program by requiring each county superintendent of schools to perform additional duties relating to education services, professional development, parental grievances, fiscal oversight, technology access, and facility compliance. This bill contains other related provisions and other existing laws.</p> <p><b>Status:</b> 01/08/2003-To Com. on ED.</p>
NCLB	
<b>AB 51 Simitian</b> I-12/02/2002	<p><b>Summary:</b> Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries that bears relation to its planning. The law requires the plan to include a specified land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, and other categories of public and private uses of land. This bill would require, upon the adoption or amendment of a city or county's general plan, on or after January 1, 2005, the land use element of the general plan to address the distribution of certain child care facilities. By increasing the duties of local officials, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.</p> <p><b>Status:</b> 01/13/2003-Referred to Com. on L. GOV.</p>
Safe Schools	
<b>AB 115 Horton, Jerome</b> I-01/14/2003	<p><b>Summary:</b> Existing law requires the Superintendent of Public Instruction to make an assessment of \$500 against a school district or county office of education that willfully fails to make a report, as required. This bill would increase the penalty for a willful failure to make a report, as required, to \$5,000. This bill contains other related provisions and other existing laws.</p> <p><b>Status:</b> 03/05/2003-In committee: Set, first hearing. Hearing canceled at the request of author.</p>
School Finance	
<b>AB 38 Reyes</b> C-03/06/2003	<p><b>Summary:</b> Existing law provides for emergency apportionments to school districts subject to specified conditions including, in certain circumstances, the repayment of an emergency loan over a period of no more than 10 years and the appointment by the Superintendent of Public Instruction of an administrator who would exercise the powers and responsibilities of the governing board of the school district. This bill would require the Superintendent of Public Instruction to assume all the rights, duties, and powers of the governing board of the school district and to appoint an administrator to act on behalf of the Superintendent of Public Instruction in exercising the superintendent's authority over the school district. The bill would specify that the governing board of the school district is not to receive any compensation during the period of the superintendent's authority over the district. The bill would authorize the administrator to terminate the employment of certain district personnel, as provided. This bill contains other related provisions and other existing laws.</p> <p><b>Status:</b> 03/06/2003-Chaptered by Secretary of State - Chapter No. 1, Statues of 2003</p>

<b>School Finance (continued)</b>	
<b>SB 39 Perata</b> I-01/03/2003	<p><b>Summary:</b> Existing law authorizes the governing board of a school district that determines during a fiscal year that its revenues are less than the amount necessary to meet its current year expenditure obligations to request an emergency apportionment through the Superintendent of Public Instruction subject to specified requirements and repayment provisions. This bill would appropriate from the General Fund an unspecified amount to the Superintendent of Public Instruction for the purpose of providing the Oakland Unified School District with an emergency loan. This bill contains other related provisions.</p> <p><b>Status:</b> 01/08/2003-To Com. on ED.</p>
<b>SB 55 Ackerman</b> I-01/14/2003	<p><b>Summary:</b> Existing law requires the state to reimburse local agencies and school districts for the cost of state-mandated local programs. This bill would provide that, for the period of January 1, 2004, through December 31, 2005, with specified exceptions, no new state-mandated local program shall become operative unless approved by a 2/3 vote of the Legislature, any state-mandated local program enacted prior to January 1, 2004, shall be suspended unless reenacted by a 2/3 vote of the Legislature, and no local agency shall be required to implement or give effect to any state-mandated local program that is not reimbursed by the state.</p> <p><b>Status:</b> 01/27/2003-To Com. on RLS.</p>
<b>Special Education</b>	
<b>AB 615 Bates</b> I-02/19/2003	<p><b>Summary:</b> Existing law requires the State Board of Education, upon recommendation of the Superintendent of Public Instruction or the members of the State Board of Education, to appoint 5 public members to the Advisory Commission on Special Education. This bill would require the board to select one of those members from the charter school community.</p> <p><b>Status:</b> 02/27/2003-Referred to Com. on ED.</p>
<b>Supplemental Instruction</b>	
<b>AB 905 Hancock</b> I-02/20/2003	<p><b>Summary:</b> Existing law establishes the After School Learning and Safe Neighborhoods Partnership Program to create incentives for establishing local after school enrichment programs and establishes maximum grant amounts for participating schools. Existing law provides that the grants be awarded as an annual reimbursement, as specified. This bill would require the State Board of Education to select 3 grant recipients from specified areas to participate in a pilot program for the purpose of comparing program funding approaches. The bill would require the department to annually review the alternative funding program and to report to the Legislature regarding its findings and recommendations.</p> <p><b>Status:</b> 03/03/2003-Referred to Com. on ED.</p>
<b>Teachers &amp; Credentialing</b>	
<b>AB 97 Nation</b> A-03/03/2003	<p><b>Summary:</b> Existing law authorizes the governing board of any school district to admit pupils residing in another school district to attend any school in that district. Existing law authorizes school districts of residence to limit the number of pupils newly transferring out each year based upon the district's average daily attendance. Existing law credits the school district of choice, as to pupils admitted to the school district under this authority, with a corresponding increase in average daily attendance for state apportionment purposes. Existing law prohibits the school district of residence from adopting policies that block or discourage pupils from applying for a transfer. Existing law provides that the governing board of a school district may, but is not required to, accept interdistrict transfers, and authorizes a governing board that elects to accept transfers to adopt a resolution to ensure that pupils admitted under the policy are selected through a random, unbiased process that prohibits an evaluation of whether or not the pupil should be enrolled based upon his or her academic or athletic performance. Existing law provides that either the pupil's school district of residence, upon notification of the pupil's acceptance to the school district of choice, or the school district of choice may prohibit the transfer of a pupil or limit the number of pupils so transferred if the governing board of the district determines that the transfer would negatively impact the court-ordered desegregation plan of the district or the voluntary desegregation plan of the district that meets certain criteria or the racial and ethnic balance of the district. Existing law sets forth the procedures for transfer, including the date by which the governing board of the school district of choice must make a final acceptance or rejection of the transfer application and the requirement that the governing board, in case of a rejection, ensure that the determination and specific reasons are accurately recorded in the minutes of the board meeting at which the determination was made. This bill would instead make those provisions inoperative on July 1, 2008, and would repeal them as of January 1, 2009. By extending the transfer application duties of the governing board of the school district of choice under these provisions, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.</p> <p><b>Status:</b> 03/05/2003-Do pass as amended, and re-refer to Committee on Appropriations with recommendation: To Consent Calendar.</p>

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Teachers & Credentialing ( <i>continued</i> )	
AB 1650 Simitian I-02/21/2003	<p><b>Summary:</b> Existing law establishes various grant programs aimed at promoting the development of teachers in specific areas. This bill would consolidate the funding for many of those programs and would establish the Teacher Support and Development Act of 2003 to provide flexible professional development block grants to school districts. The bill would require the Superintendent of Public Instruction to annually award the block grants from funding provided in the annual Budget Act. The bill would provide for the block grant amounts to be calculated according to a specified formula and would require a school district to demonstrate that its staff development programs meet specified criteria prior to receiving a block grant. This bill contains other related provisions.</p>
	<p><b>Status:</b> 02/24/2003-Read first time.</p>